

Village of Salado
Salado Municipal Building
301 North Stagecoach Road
Salado, Texas
Minutes of Emergency Meeting of Board of Aldermen
March 26, 2020 at 9:00 a.m.

The Board of Aldermen meeting was called to order at 9:00 a.m. by Mayor Skip Blancett.

Board Members Present: Mayor Skip Blancett, Mayor Pro-tem Frank Coachman, Aldermen Rodney Bell, Amber Preston Dankert, John Cole, and Michael Coggin.

Staff Present: Village Administrator Don Ferguson (meeting announced to be at 10-person maximum capacity) and City Attorney Alan Bojorquez (by telephone conference)

Discussion and Possible Action

Discuss and consider possible action to reschedule the date of the upcoming Village of Salado General Election to elect a mayor and two aldermen from May 2, 2020, to November 3, 2020, due to public health concerns relating to the Coronavirus (COVID-19) pandemic. (*Village Administrator*)

Village Administrator Ferguson reviewed the latest advisory from the Texas Secretary of State (SOS) that recommended that those communities where shelter in place orders have been issued move their elections from May to November to avoid putting their election at risk of an election contest due to voters not being able to exercise their right to vote. He said the advisory noted that voters could run the risk of violating a shelter in place order if there is no specific exemption in the order for voting or conducting elections. He said that since the Board's direction at its last meeting, plans have proceeded for the Village to hold the election in May. As Salado ISD will not be participating in conducting the election, plans to get supplies ordered and ballots printed are proceeding. He noted that Bell County Elections has requested that the Village notify them of any changes by April 13, 2020. He said if the Board desires to move this decision to a later date in order to see what conditions exist later in the month, that is their prerogative to do so, but if not, May election plans will proceed.

Discussion between Alderman Dankert and Village Administrator Ferguson addressed certain election costs, including equipment programming, ballot production, and publication of notices, anticipated to be around \$1,700. Alderman Coggin asked how many cases have been reported in Salado and if there are any possibilities of cases in Salado. Village Administrator Ferguson replied that the Village has not been informed of any cases specifically in Salado, but replied affirmatively about the possibility of cases, whether today or six months from now. Alderman Bell asked if mailed-in ballots for the May election could be used for the November election, if the Board decides to postpone until then. City Attorney Alan Bojorquez confirmed that the governor's order advised that applications for ballots by mail received for the May election will be valid and counted toward the November election, if the election is postponed.

Alderman Dankert asked City Attorney Bojorquez if the advisory language was an actual rule or just guidance. City Attorney Bojorquez explained the SOS has interpreted the governor's action as empowering the Board to move the Village's election from May until November despite the fact that the election has already been ordered for May in accordance with the Texas Election Code. He said while the State is empowering the Board with such a choice, he noted that the State is clearly recommending and advising that the Board postpone until November. He cited the reasoning for the SOS advisory to include dealing with a worldwide pandemic and providing protection for citizens against community/nationwide spread; questions surrounding the shelter in place order and concerns that many people will be afraid to leave their homes to vote; and possibility of an election contest brought under the Federal Voting Rights Act, the Texas Election Code, or by a losing candidate.

Alderman Coggin said that "anybody can sue anybody at any time." Mayor Blancett asked what the Salado ISD Board's reasoning was for postponing until November. Village Administrator Ferguson said Salado ISD indicated it was due to concerns about public health and safety of the voters and election workers. Mayor Blancett and Village Administrator Ferguson discussed the timeline and number of email communications between the SOS Elections Division legal team and political subdivisions containing the most recent advisories relating to moving the election and emergency powers. Village Administrator Ferguson noted the advisory email from the legal director of the SOS Elections Division, which was sent to Board members, contained a strong advisory to move as quickly as possible to decide on postponing the election, specifically recommending that action be taken this week. There was brief discussion of action taken or pending action by surrounding cities to postpone, with most cities postponing until November, with the exception of Rogers.

Alderman Coggin asked Village Administrator Ferguson to set the record straight on the exact facts on where we stand and who has authority. Village Administrator Ferguson said that there is not an edict issued by the State that automatically would move our election to November, and no indication from the governor's office at this time of such sweeping action. He noted that this is a local decision requiring Board action and right now the Board's current direction is to plan for a May election. Alderman Coggin asked if it is reasonable to ask the Board and Mayor to allow any additional information about the election to come through the Village administration. Village Administrator Ferguson replied affirmatively, if that is the Board's direction.

Village Administrator Ferguson stated that if the Board desires to postpone the election to November, there is an ordinance before them requiring approval.

Mayor Blancett entertained a motion. Alderman Coggin moved that the Board delay taking action on this item until the Board's Regular Meeting on April 16, 2020. Alderman Dankert seconded.

Alderman Coggin said that delaying action until April 16th will give the Board an idea of where we will be and whether we will be sheltering in place at that time. Alderman Coggin stated that he will be the first one to vote to postpone the election until November, if there is a shelter in place order on April 16th. He felt it prudent to put off action until April 16th with minimal impacts to the election.

Alderman Dankert agreed with Alderman Coggin and spoke of comments received from constituents over the last couple of days asking to wait on postponement until there is more information. She stated her opinion that the costs of proceeding with election preparations are worth it and completely favored waiting until April 16th to decide.

Alderman Cole asked whether candidates will be able to hold their forum. Village Administrator Ferguson advised the order regarding limitations on public gatherings is still in place and the forum would probably not take place, unless held in a virtual environment. It was noted that the subject forum does not involve the Village of Salado and is not a function of Village government.

Alderman Coggin stated he wanted to make it perfectly clear that the Board is responsible for the public health and safety of our citizens and said he will be voting to move the elections to November if we are under a shelter in place order on April 16, 2020.

Mayor Pro-tem Coachman said his reason to vote against delaying action until April 16th is based on clear advice from our attorney and the State's Elections Division that we should decide now about postponement, since we are currently under shelter in place orders.

Salado Village Voice editor Tim Fleischer questioned how the Village can conduct an election with 4 judges/clerks with a 10-person capacity limit in place and a directive allowing for a \$1,000 fine to any people assembled in groups of more than 10.

Paul Cox of 2716 Winners Circle said he felt it would be a knee jerk reaction to decide on moving the election today.

Alderman Cole noted the mountain of communications from the CDC, Bell County, the SOS, the governor, other cities, and school boards that have all delayed their elections to May. He said it is time to be concerned about people's health and make sure we have maximum voter turnout.

Mayor Blancett asked each alderman to explain his/her reasoning for their positions.

Mayor Pro-tem Coachman said this is about public health and based on discussions he has had about statewide activities, he felt that the current conditions will last for months.

Alderman Coggin said he did not feel we are not at a decision point yet of "go or no go" as we do not have all of the information about where we are going to be on April 16th.

Alderman Dankert agreed with Alderman Coggin and said we are not at that decision point yet.

Alderman Bell stated we are not at a decision point yet and agreed delaying action until April 16th.

Alderman Cole said his position is to maximize voter turnout and safety of the people and felt things will get worse before getting better.

Mayor Blancett said he nor anyone can tell what April or November conditions will be like, but said he is looking at health and welfare first.

Mayor Blancett entertained a vote on the motion to delay action on this item until the Board's meeting of April 16, 2020.

Motion carried on a vote of 3-2. Mayor Pro-tem Coachman and Alderman Cole voted against.

Before the motion to adjourn, Alderman Coggin asked about the possibility of cancelling the Board's April 2nd meeting or holding a virtual meeting. Village Administrator Ferguson advised details are being worked out to hold a virtual meeting on April 2, 2020.

Adjournment

Alderman Bell moved to adjourn. Alderman Coggin seconded. Mayor Blancett called the meeting adjourned at 9:46 a.m.

Recorded by:

Don Ferguson

These minutes approved on the 2nd of April, 2020.

APPROVED:


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary

